

Application No.: 10/089,869  
Filing Date: July 8, 2002  
Docket No.: 753-13 PCT/US  
Page 7

**E. Remarks/Arguments:**

**Introduction**

Claims 3-5 are pending. Claims 3-5 are rejected. Claim 3 has been amended.

Applicant respectfully submits that the new claims obviate the Examiner's rejections.

Reconsideration and withdrawal of the rejections are respectfully requested.

**Section 103 Rejections**

Claims 3-5 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ernst (CH 684938 A5), (hereinafter Ernst) in view of U.S. Patent No. 5,617,879 to Kubala (hereinafter Kubala).

The Examiner alleges that Ernst discloses the present invention substantially as claimed, but fails to disclose that the groove is wider than the elastic sealing body. The Examiner further states that Kubala discloses a sealing arrangement for a tool, the sealing arrangement having a housing having a cylindrical wall having an opening to receive a shank, the cylindrical wall having a groove which is wider and deeper than a cross section of an elastic sealing body. The Examiner therefore alleges that it would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the groove of Ernst to be wider than the cross section of the elastic sealing body as taught by Kubala, to provide a seal that moves away

and toward the shank when needed to reduce the wear of sealing, a seal that has a increasing lifetime and to reduce leakage. Applicant respectfully traverses.

The invention as presently recited in amended independent claim 3 is distinguished from the cited prior art. Claim 3 has been amended to claim the limitation "the opening being wider than the diameter of the tool shank to define a cylindrical surface", as shown and described in Figs. 2 and 3.

The gap is provided and necessary to ensure that coolant pressure can build up in the groove behind the O-ring. Kubala does not show or describe such a gap. If there were no gap, as in Kubala, no coolant pressure could build up in the groove. In Kubala, the carrier is arranged in a sliding seat within the passageway. A sliding seat does not leave a gap between its two members.

Furthermore, Kubala discloses the possibility of leakage through the sliding seat. This is always possible as moving seats are usually not entirely tight. However, the leaking fluid has no pressure left after it has passed through the seat. Any pressure which is present at the fluid inlet side is lost after the leaking fluid has passed along the seat, as would be known by one skilled in fluid physics.

Application No.: 10/089,869  
Filing Date: July 8, 2002  
Docket No.: 753-13 PCT/US  
Page 9

In order to configure the groove of Ernst to be wider than the cross-section of the elastic sealing body, one skilled in the art would have to get the idea that the pressure in the groove would press the sealing body against the side wall of the groove. But Kubala does not give even the slightest hint, suggestion or teaching in this direction because of the absence of pressure build-up in the groove. Neither Ernst, nor Kubala discloses, teaches or suggests the use of pressure in the groove to press the sealing body against the side wall of the groove. Therefore, not only is there no motivation to combine these references, one of ordinary skill in the art would readily understand that the techniques of Ernst and Kubala do not include the concept of pressure build up to seal the body against the side wall of the groove..

#### Summary

Therefore, Applicants respectfully submit that amended independent claim 3, is patentably distinct from the cited references, and is thus allowable. Claims 4 and 5, being dependent on amended independent claim 3 are allowable therewith. Thus, this application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461.

Application No.: 10/089,869  
Filing Date: July 8, 2002  
Docket No.: 753-13 PCT/US  
Page 10

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Stephen Cannavale", written over a horizontal line.

Stephen Cannavale  
Registration No.: 44,585  
Attorney for Applicants

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(973) 331-1700